

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Middle District of Pennsylvania

United States of America)
 v.)
 HECTOR BIENVENIDO AMADOR-MEDINA)

Case No.

1:21-MJ-00079

Defendant(s)

FILED
 HARRISBURG, PA
 AUG 05 2021
 PER AMM
 DEPUTY CLERK

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of AUGUST 4, 2021 in the county of DAUPHIN in the
MIDDLE District of PENNSYLVANIA, the defendant(s) violated:

Code Section
 8 USC 1326(a)

Offense Description
 illegal re-entry by a previously deported alien

This criminal complaint is based on these facts:

Your affiant is a Deportation Officer with U.S. Immigration and Customs Enforcement ("ICE") within the U.S. Department of Homeland Security ("DHS"). He served as a United States Border Patrol Agent beginning in April 20, 2008, and has have served as a Deportation Officer with ICE since August 10, 2016.

☒ Continued on the attached sheet.

Keith F. Foster
 Complainant's signature

KEITH FOSTER, DO, DHS, ICE
 Printed name and title

Sworn to before me and signed in my presence.

Date:

8/5/21

Susan Schwab
 Judge's signature

City and state:

HARRISBURG, PA

SUSAN SCHWAB, MAGISTRATE JUDGE
 Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

AFFIDAVIT

I, Keith R. Foster, being duly sworn, do hereby state as follows:

1. I am a Deportation Officer with U.S. Immigration and Customs Enforcement (“ICE”) within the U.S. Department of Homeland Security (“DHS”). I served as a United States Border Patrol Agent beginning in April 20, 2008, and I have served as a Deportation Officer with ICE since August 10, 2016. As a Deportation Officer, I am charged with conducting investigations related to violations of the Immigration and Nationality Act, specifically foreign-born nationals that have been deported from the United States and subsequently re-entered the United States illegally. I am currently assigned to the ICE Enforcement and Removal Operations -- York, Pennsylvania Field Office, and my duties include investigating violations of Title 8 of the United States Code (“U.S.C”) including illegal reentry and related offenses.

2. This affidavit is made in support of a criminal complaint against Hector Bienvenido AMADOR-Medina (“AMADOR”). As set forth herein, there is probable cause to believe AMADOR, a native and citizen of the Dominican Republic, illegally re-entered the United States after deportation, in violation of Title 8, U.S.C. § 1326(illegal reentry after deportation).

3. This affidavit is based upon my personal knowledge, experience and investigation, as well as information related to me directly or through reports of other ICE Officers, and other law enforcement officers in the course of their official duties. Because this affidavit is submitted for the limited purpose of supporting a criminal

complaint and arrest warrant, I have not included all information known by me or other investigators concerning this investigation. I have set forth only those facts I believe are essential to establish the necessary foundation for the complaint and warrant. This affidavit does not exhaust my knowledge or that of other investigators of the facts and circumstances surrounding this investigation.

PROBABLE CAUSE

4. On August 3, 2021, AMADOR was arrested by the Pennsylvania Office of the Attorney General and charged in the Court of Common Pleas in the County of Dauphin for manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance.

5. On August 5, 2021, I reviewed documents included in the Pennsylvania Office of the Attorney General's arrest report for AMADOR. I also conducted a check in the National Crime Information Center ("NCIC") database for AMADOR's criminal history as well as immigration history. By searching the FBI number assigned to AMADOR (FCC4KE5KR), I confirmed that AMADOR had previously been encountered by the United States Border Patrol. Further checks in ICE indices confirmed on or about April 23, 2018, AMADOR had previously been arrested by the United States Border Patrol and processed for an Expedited Removal. On or about May 25, 2018, AMADOR received a negative credible fear determination. On or about June 19, 2018, AMADOR was subsequently removed from the United States to the Dominican Republic, via Alexandria, Louisiana.

6. Based on my training and experience, I know that ICE maintains a file on all aliens encountered. This file, known as the Alien File (“A File”), contains documentation relating to the alien, including his/her photograph, warrants of deportation, fingerprints, documents reflecting criminal history, documents reflecting the country of citizenship, and other documents. Each alien is assigned an identification number, referred to as the “Alien Number.” A Search of ICE databases revealed that AMADOR has been assigned Alien Number 215-698-202.

7. On August 5, 2021, I reviewed ICE indices pertaining to AMADOR, with Alien Number 215-698-202. I also compared the information and identifiers for AMADOR with the information contained in the reports from his recent arrest in Dauphin County. The fingerprints that were taken on August 3, 2021, in conjunction with AMADOR’s arrest, were a match for the fingerprints on file under the name Hector Bienvenido AMADOR-Medina and connected to FBI number FCC4KE5KR, Fingerprint Identification number 1223411296. and Alien Registration number 215-698-202. A comparison of the arrest photo taken on August 3, 2021, and the prior immigration encounter photo also appeared to be the same person. Based on a review of these files and DHS electronic records and databases, I have concluded that the A-file does in fact pertain to the same person that the Pennsylvania Office of the Attorney General arrested on August 3, 2021. The following representations are based on my review of the aforementioned records and databases:

- a. AMADOR is a citizen and national of the Dominican Republic.

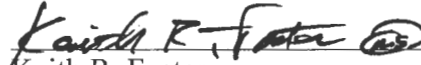
- b. There is no evidence that AMADOR is a citizen or national of the United States.
- c. AMADOR's date of birth is September 24, 1986.
- d. On or about April 23, 2018, AMADOR had previously been arrested by the United States Border Patrol and processed for an Expedited Removal
- e. On or about May 25, 2018, AMADOR received a negative credible fear determination.
- f. On or about June 19, 2018, AMADOR was subsequently removed from the United States to the Dominican Republic, via Alexandria, Louisiana.

8. On August 5, 2021, I thoroughly reviewed all computer indices for the Department of Homeland Security, and found no information that AMADOR applied for or was granted permission to re-enter the United States after his removal on June 19, 2018.

9. AMADOR is currently in local police custody in Harrisburg, Pennsylvania pending the disposition of his criminal case in the Court of Common Pleas in the County of Dauphin.

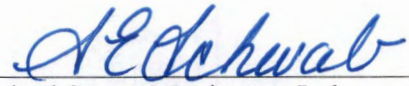
CONCLUSION

Based on the foregoing information, I believe that probable cause exists to believe that AMADOR illegally re-entered the United States after removal, in violation of Title 8, U.S.C. § 1326. I therefore respectfully ask that the Court issue a warrant ordering his arrest for such crime.



Keith R. Foster
Deportation Officer
Immigration and Customs Enforcement

SUBSCRIBED TO AND SWORN TO BEFORE ME
THIS 5th DAY OF August 2021.



United States Magistrate Judge
Middle District of Pennsylvania